

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RASHID JAHM,

Plaintiff, pro se,

v

Case No. 05cv11638-JLT

DENNIS D. LIEBER, et al,

Defendants

**MOTION OF THE DEFENDANTS CATHERINE GARCIA-LINDSTROM, IN HER
OFFICIAL AND INDIVIDUAL CAPACITY, CITY OF WALKER POLICE DEPARTMENT
AND MIDWEST CLAIMS SERVICES, INC., TO DISMISS FOR WANT OF
JURISDICTION AND IMPROPER VENUE**

Now come the Defendants, Catherine Garcia-Lindstrom, in her official and individual capacity, City of Walker Police Department and Midwest Claims Services and move this Honorable Court to Dismiss the Plaintiff's Complaint. As grounds wherefore, the Defendants state as follows:

1. This Court does not have jurisdiction over the Defendants. The Defendant, Catherine Garcia-Lindstrom, is the chief of police of the City of Walker, Michigan Police Department, located in Walker, Michigan. At no time has she personally or as chief of police conducted business in the State of Massachusetts or had any contact with the Plaintiff in the State of Massachusetts. The City of Walker Police Department does not conduct business in the State of Massachusetts and has never done so. The City of Walker Police Department has not had any contact with the Plaintiff in the State of Massachusetts.

Midwest Claims Services, Inc., does not conduct business in the State of Massachusetts and has never done so. In addition, Midwest Claim Service, Inc., has not had any contact with the Plaintiff in the State of Massachusetts.

2. The Plaintiff's selected venue is improper because it does not comport with the requirements of 28 U.S.C. §1391(A).

3. As further grounds therefore, the Defendants refer this Honorable Court to their Memorandum of Law filed herewith.

WHEREFORE, the defendants request that this Honorable Court dismiss the plaintiff's claims.

CATHERINE GARCIA-LINDSTROM, CITY OF
WALKER POLICE DEPARTMENT and
MIDWEST CLAIMS SERVICE, INC.

Dated: January 3, 2006

By /s/ Patrick Dolan
Patrick Dolan, BBO 564250
Peabody & Arnold LLP
30 Rowes Wharf
Boston, MA 02110
617-951-4724

Dated: January 3, 2006

By /s/ Thomas R. Meagher
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LOCAL RULE 7.1 CERTIFICATION

I, Patrick J. Dolan, attorney for Catherine Garcia-Lindstrom, the City of Walker Police Department and Midwest Claims Services, Inc., hereby states that, pursuant to Local Rule 7.1, I attempted to contact the plaintiff, Rashid Jahm, by telephone. On January 3, 2005, I contacted Mr. Jahm at the telephone number found on the Amended Complaint and left a message. I similarly attempted to contact Mr. Jahm via the telephone number found in the Court's docket sheet and was informed that the phone number did not belong to Mr. Jahm.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 3RD DAY OF JANUARY 2006.

/s/ Patrick J. Dolan
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